

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN D. COBB, et al.,

No. C 12-01372 JSW

Plaintiffs,

**ORDER REQUIRING  
SUPPLEMENTAL BRIEFING  
FROM DEFENDANTS AND  
DENYING PLAINTIFFS'  
MOTION FOR LEAVE TO  
AMEND, AND DIRECTING  
PLAINTIFFS TO FILE NOTICES  
OF DISMISSAL**

v.

JPMORGAN CHASE BANK, N.A., et al.,

Defendants.

On July 19, 2012, after briefing was complete on the motions to dismiss filed by Dennis J. Sinclitico, Esq. and Morgan Lewis & Bockius LLP, Anthony V. Smith, Esq., JPMorgan Chase Bank, N.A., and Wells Fargo Bank, N.A. (collectively "Moving Defendants") Plaintiffs filed a Supplemental Statement of Damages, which responds to the Moving Defendants' argument that Plaintiffs fail to allege facts showing they have suffered an injury to business or property as a result of the alleged RICO violations. (Docket No. 71.)

The Court HEREBY ORDERS the Moving Defendants to submit a supplemental brief that responds to this statement by no later than September 17, 2012. The Court does not require further argument from Plaintiffs on this issue.

On September 6, 2012, Plaintiffs filed a motion for leave to file a second amended complaint. Plaintiffs state that leave to amend is necessary, because "the decision has been made to remove Defendants Ernest Brede, Luis Contreras, and Donald T. Showers as parties to this action." (Mot. at 3:15-16.) These Defendants have not answered, and Plaintiffs do not need

1 to amend their complaint to remove these defendants as parties. They can file a notice of  
2 dismissal as to those three defendants. Accordingly, the Court DENIES the motion for leave to  
3 amend. Plaintiffs shall file a notice of dismissal dismissing Brede, Contreras and Showers by  
4 September 21, 2012.

5 **IT IS SO ORDERED.**

6 Dated: September 11, 2012

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8 JEFFREY S. WHITE  
9 UNITED STATES DISTRICT JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

COBB ET AL et al,  
Plaintiff,

Case Number: CV12-01372 JSW

**CERTIFICATE OF SERVICE**

v.

JPMORGAN CHASE BANK, N.A. ET AL  
et al,

Defendant.

/


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 11, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jason E. Cobb  
1101 Menlo Oaks Drive  
Menlo Park, CA 94025

Jonathan D. Cobb  
828 Weeks St.  
Palo Alto, CA 94303

Dated: September 11, 2012

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk